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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,873	01/06/2004	Frederick M. Shofner	SEA-19	4852

31671 7590 10/18/2007  
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ASHEVILLE, NC 28802

EXAMINER
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VALENTIN, JUAN D

ART UNIT	PAPER NUMBER
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2877

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	Application No. 10/752,873	Applicant(s) SHOFNER ET AL.	
	Examiner Juan D. Valentin II	Art Unit 2877	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Juan D. Valentin II. (3) Steven C. Schnedler.  
 (2) Gregory Toatley. (4) Dr. Frederick M. Shofner.

Date of Interview: 09 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Dr. Shofner demonstrated how the prior art devices worked and then demonstrated how the claimed invention worked and differed and further improved upon the prior art.

Claim(s) discussed: 2-11, and 18.

Identification of prior art discussed: Ghorashi et al. (5,907,394) and Shofner et al. (5,539,515).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Continued*  
**Gregory J. Toatley, Jr.**  
 Supervisory Patent Examiner

*[Signature]* 10/12/2007  
 Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant explained how the prior art did not teach the two-dimensional optical imaging of a tapered beard and demonstrated that fact through the explanation of prior art technology and the current claimed invention, both of which were brought in by Dr. Shofner who was present in person. It was agreed that the 101 rejection to claim 11 would be withdrawn and could be amended back to its original form. Examiner agreed that the claims as scripted read around the prior art used in the Non-Final Office Action dated 04/05/2007. Applicant agreed to submit a supplemental response which would be further searched and considered by examiner.

## Applicant Initiated Interview Request Form

Application No.: 10/752,873 First Named Applicant: Frederick M. Shofner  
Examiner: Juan D. Valentin II Art Unit: 2877 Status of Application: Response to non-final action has been filed.

### Tentative Participants:

(1) Steven C. Schnedler (2) Dr. Frederick M. Shofner  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: October 9, 2007

Proposed Time: 10:00 AM

### Type of Interview Requested:

(1) ☒ Telephonic (2) ☒ Personal (3) ☐ Video Conference  
(Steven C. Schnedler) (Frederick M. Shofner)

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: Length testers including samplers

## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>35 USC §101</u>	<u>Claim 11</u>	<u>5,907,394</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>35 USC §103</u>	<u>Claims 2-11</u>	<u>5,539,515</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>35 USC §103</u>	<u>Claims 3-5</u>	<u>above plus WO 01/20231</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u>35 USC §103</u>	<u>Claims 9-10, 18</u>	<u>WO 01/20231 5,539,515</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

### Brief Description of Arguments to be Presented:

The arguments in applicant's response dated September 5, 2007 and received in the USPTO September 7, 2007 will serve as the basis for arguments to be presented at the interview.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
Applicant/Applicant's Representative Signature

Frederick M. Shofner

\_\_\_\_\_  
Typed/Printed Name of Applicant or Representative

\_\_\_\_\_  
Registration Number, if applicable

\_\_\_\_\_  
Examiner/SPE Signature

(Co-inventor Frederick M. Shofner will participate in the interview in person. Attorney Steven C. Schnedler, Reg. No. 27,591, will participate by telephone.)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*